

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

**ALLINE ANDERSON and
MARVIN LEWIS,**

Plaintiffs,
v. No.

**LIONHEART XPRESS INC and
VIVEK SHEOKAND,**

Defendants.

**NOTICE OF REMOVAL TO THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO**

COME NOW the Defendants, Lionheart Xpress Inc (“Lionheart”) and Vivek Sheokand (collectively “Defendants”), by and through their attorneys of record, YLAW, P.C., and file this Notice of Removal, pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441, for the removal of this action from the Eleventh Judicial District Court, County of McKinley, State of New Mexico, to the United States District Court for the District of New Mexico on the following grounds:

1. Plaintiffs filed this civil action against Defendants in the Eleventh Judicial District Court, County of McKinley, State of New Mexico. Pursuant to D.N.M. LR-CIV 81.1, a copy of the Plaintiffs’ Original Complaint for Personal Injury Damages is attached hereto as **Exhibit A**.
2. Plaintiffs are citizens and residents of the State of Oklahoma. *See* Ex. A, ¶ 1.
3. Defendant Vivek Sheokand is a resident of and domiciled in Fresno County, City of Fresno, State of California, and is a citizen of the country of India. *See* U.S.C. § 1332(a)(1). *See* Ex. A, ¶ 3; *see also* Answer to Plaintiffs’ Original Complaint for Personal Injury Damages (hereafter “Answer”), *Court Record*, ¶ 3, filed concurrently with this Notice of Removal.

4. Lionheart Xpress Inc. is a California corporation with its principal place of business in California. *See* Ex. A, ¶ 2; Answer, ¶ 2. As a corporation, Lionheart Xpress Inc. “shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business.” *Siloam Springs Hotel, L.L.C. v. Century Sur. Co.*, 781 F.3d 1233, 1235 (10th Cir. 2015) (citing by analogy 28 U.S.C. § 1332(c) (“setting out corporate citizenship rules for purposes of diversity and removal statutes”)); *see also* Corporate Disclosure Statement, filed concurrently with this Notice of Removal. Lionheart Xpress Inc. is therefore a citizen of California. *See* Ex. A, ¶ 2; Answer, ¶ 2.

5. As a result, for purposes of 28 U.S.C. 1332(a), there is complete diversity of citizenship between Plaintiffs and Defendants.

6. Plaintiffs’ Complaint alleges that as a result of Defendants’ alleged negligence, the Plaintiffs “suffered bodily injuries . . . incurred medical expenses[,] prevented from performing their household duties[,] suffered pain and suffering[,] [past and future] emotional distress[,] [past and future] impairment[,] disfigurement[,] damage to the value and enjoyment of their lives[, and] punitive damages.” *See* Ex. A, ¶¶ 18-27.

7. Although Defendants do not admit that Plaintiffs have been damaged in any amount as the result of any acts or omissions of Defendants, based upon documents dated June 26, 2019 through February 18, 2021, the amount in controversy exceeds \$75,000.00.

8. Plaintiffs’ Complaint is a civil action over which this Court has jurisdiction pursuant to 28 U.S.C. §1332 and which is removable by Defendants under the provisions of 28 U.S.C. §1441 in that:

- a. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs; and
- b. The matter in controversy is between citizens of different states.

12. The Notice of Removal was filed with this Court within thirty (30) days after service of the Complaint and after Defendants had a good faith basis to assert that all requirements were satisfied. *See* Summons Return for Lionheart press Inc., attached as **Exhibit B**.

13. Defendants, immediately upon the filing of this Notice of Removal, gave written notice of the filing as required by 28 U.S.C. §1446 (d) and filed a copy thereof with the Clerk of the Eleventh Judicial District Court, County of McKinley, State of New Mexico, the Court from which this action is removed.

14. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11.

WHEREFORE, the Defendants Lionheart Xpress Inc. and Vivek Sheokand request that the above-entitled action be removed from the Eleventh Judicial District Court, County of McKinley, State of New Mexico, to this United States District Court for the District of New Mexico.

Respectfully Submitted,

YLAW, P.C.

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Attorneys for Defendants

I HEREBY CERTIFY that on the 1st day of February 2022, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel

to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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